



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: May 19, 2008  
Comment Deadline: June 18, 2008  
Corps Action ID #: SAW-2008-01200

The Wilmington District, Corps of Engineers (Corps) has received an application from Beacon Partners, Incorporated seeking Department of the Army authorization to impact 434 linear feet of an unnamed tributary to Long Creek in association with construction of the development entitled “77 Overlook Park – Phase 2”, a transportation and commerce center. The project is located near the intersection of Lakeview Road and Statesville Road with frontage on Interstate 77, in north Charlotte, Mecklenburg County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Beacon Partners, Incorporated  
Attention: Mr. Jon Morris  
9335 Harris Corners Parkway, Suite 250  
Charlotte, North Carolina 28269

**AGENT:** Mr. Leonard S. Rindner  
3714 Spokeshave Lane  
Matthews, North Carolina 28105

## **Authority**

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

## **Location**

The proposed project is located near the intersection of Lakeview Road and Statesville Road with frontage on Interstate 77, in north Charlotte, Mecklenburg County, North Carolina (35.3358 degrees north, -80.8462 degrees west), Derita USGS Quadrangle.

## **Existing Site Conditions**

The area surrounding and adjacent to the project site is experiencing rapid economic growth due to its proximity to Charlotte, I-77, I-85, and I-485 transportation corridors. Other commercial and transportation related developments are currently under construction in the vicinity. The site

is partially constructed with an earlier phase of the project. Undeveloped areas of the site consist of abandoned agricultural land, timbered woodland, and disturbed areas (roads, housing, utility lines, etc.). Stream channels on the property are intermittent with “important” aquatic function. On the NCDENR “Stream Identification Form” submitted with the application, stream values documented were in the 28-29 (out of 100) range.

### **Applicant’s Stated Purpose**

The stated purpose of the proposed project is to construct buildings, truck parking, delivery, access, and pedestrian parking as part of a transportation/commercial center.

### **Project Description**

Plans submitted with the application show impacts of 434 linear feet to an unnamed tributary to Long Creek) for Phase 2 of this project. Previously, Phase 1 of this project impacted 289 linear feet of an unnamed tributary to Long Creek. Those impacts were authorized by the Corps on July 20, 2007, under Action ID. SAW-2007-1932-360. Mitigation to offset stream impacts was done through appropriate payment into the State Ecosystem Enhancement Program (EEP). Plans showing the work are included with this public notice.

To compensate for 434 linear feet of stream loss, the applicant is proposing payment to EEP at a ratio of 1:1.

### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260 Attention: Ms Cyndi Karoly by June 18, 2008.

### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion

therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

### **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

### **Evaluation**

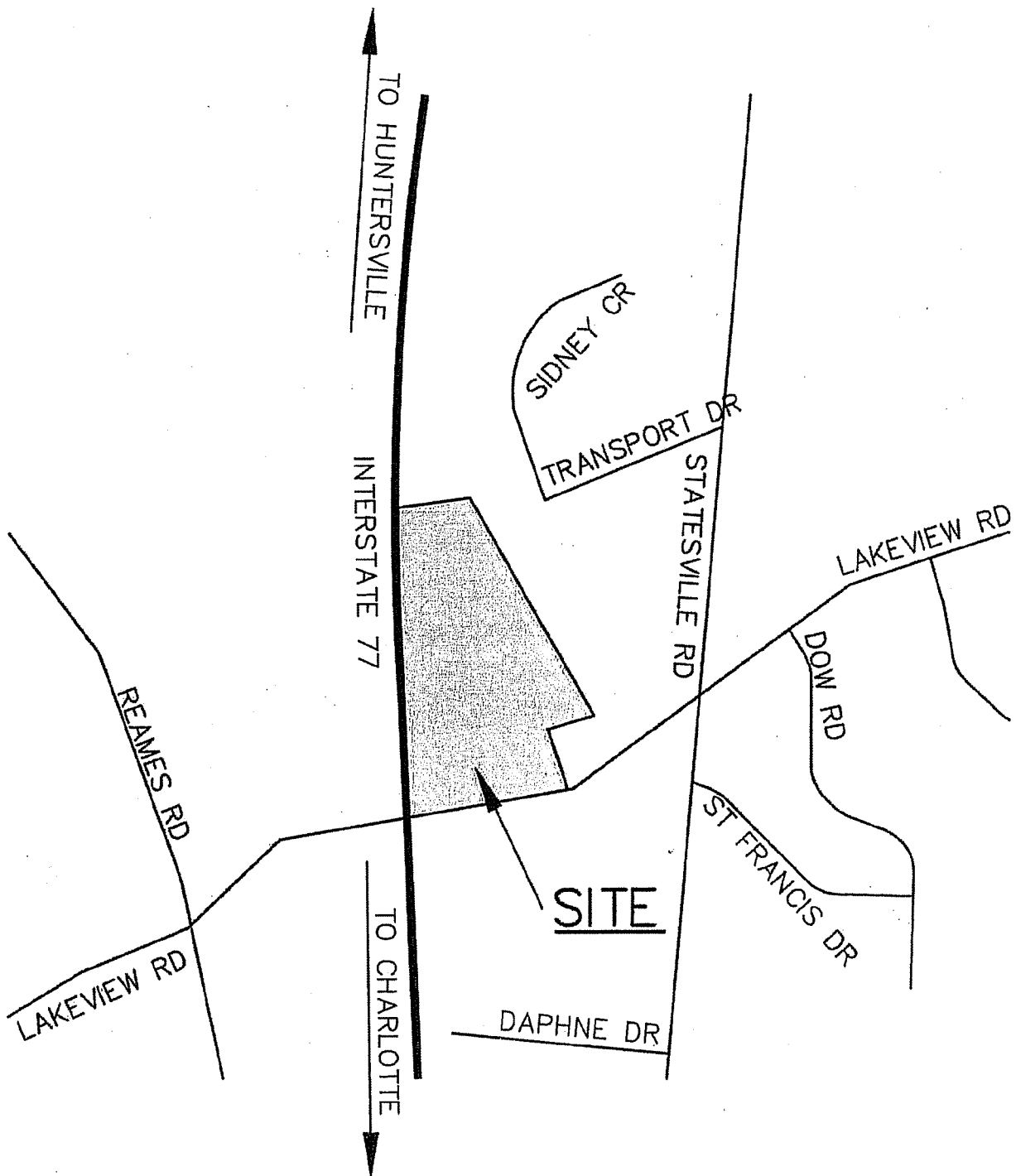
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

### **Commenting Information**

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Commander determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, June 18, 2008. Comments should be submitted to Mr. Steve Chapin, U.S. Army Corps of Engineers, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.



VICINITY MAP  
N.T.S.

McADAMS

PROJECT NO. BCP-07000

FILENAME: BCP07000-WE

SCALE: N.T.S.

DATE: 03-05-2008

**77 OVERLOOK PARK**  
**LAKEVIEW ROAD**  
**CHARLOTTE, NORTH CAROLINA**



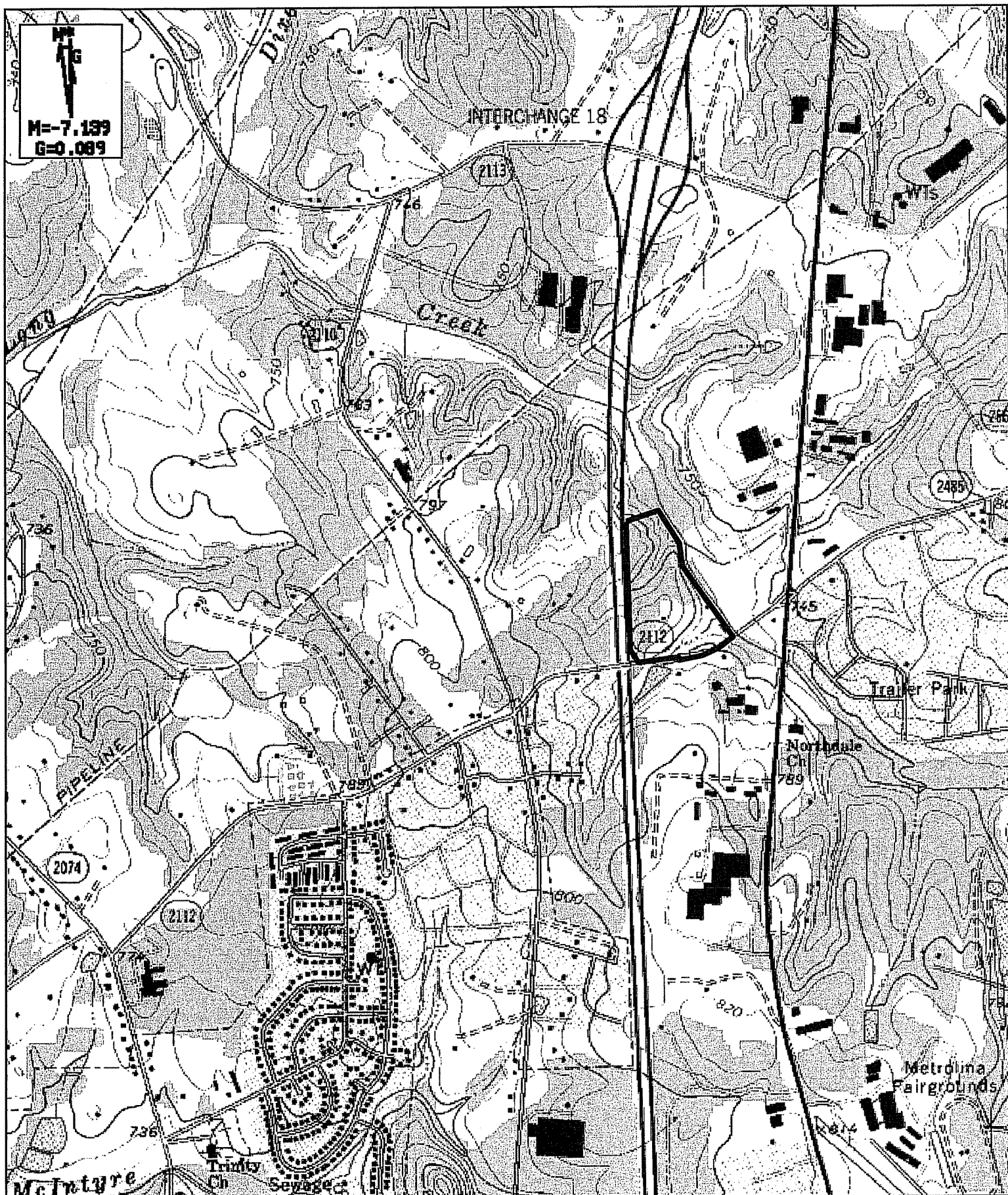
**THE JOHN R. McADAMS  
COMPANY, INC.**

ENGINEERS/PLANNERS/SURVEYORS

8701 CARMEL ROAD, SUITE 205  
CHARLOTTE, NORTH CAROLINA 28226  
(704) 527-0800

SAW-2008-01200-360

SHEET 1 OF 9



35.3353°N, 80.8462°W (NAD27)

USGS Derita (NC) Quadrangle

SCALE = 1:48,000

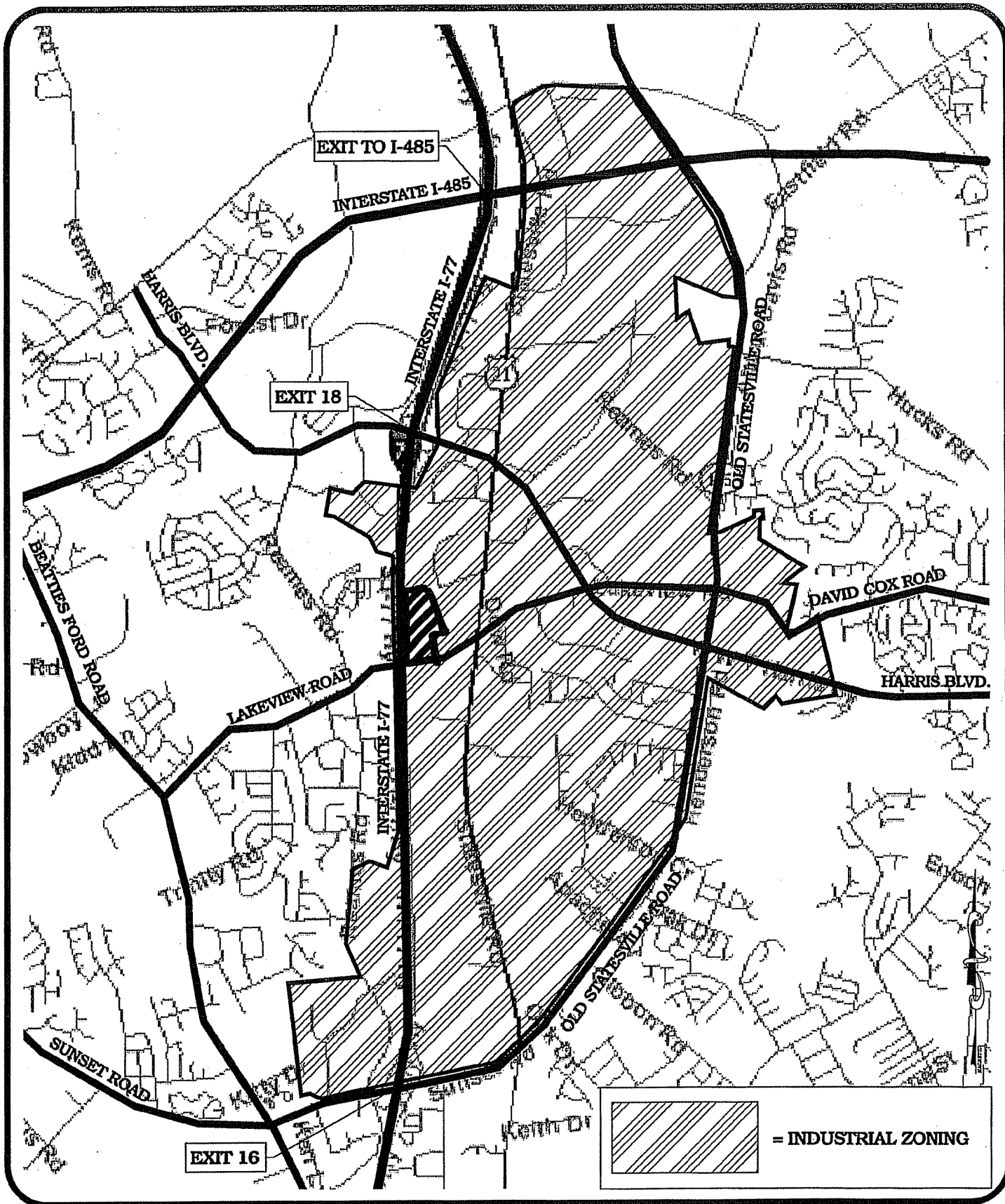
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77 OVERLOOK PARK

APPROXIMATE SITE LOCATION

SAW-2008-01200-360

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McADAMS

PROJECT NO. BCP-07000

FILENAME: BCP07000-WE

SCALE: 1"=3000'

DATE: 03-05-2008

# **77 OVERLOOK PARK** **LAKEVIEW ROAD** **CHARLOTTE, NORTH CAROLINA**

**THE JOHN R. McADAMS**  
**COMPANY, INC.**

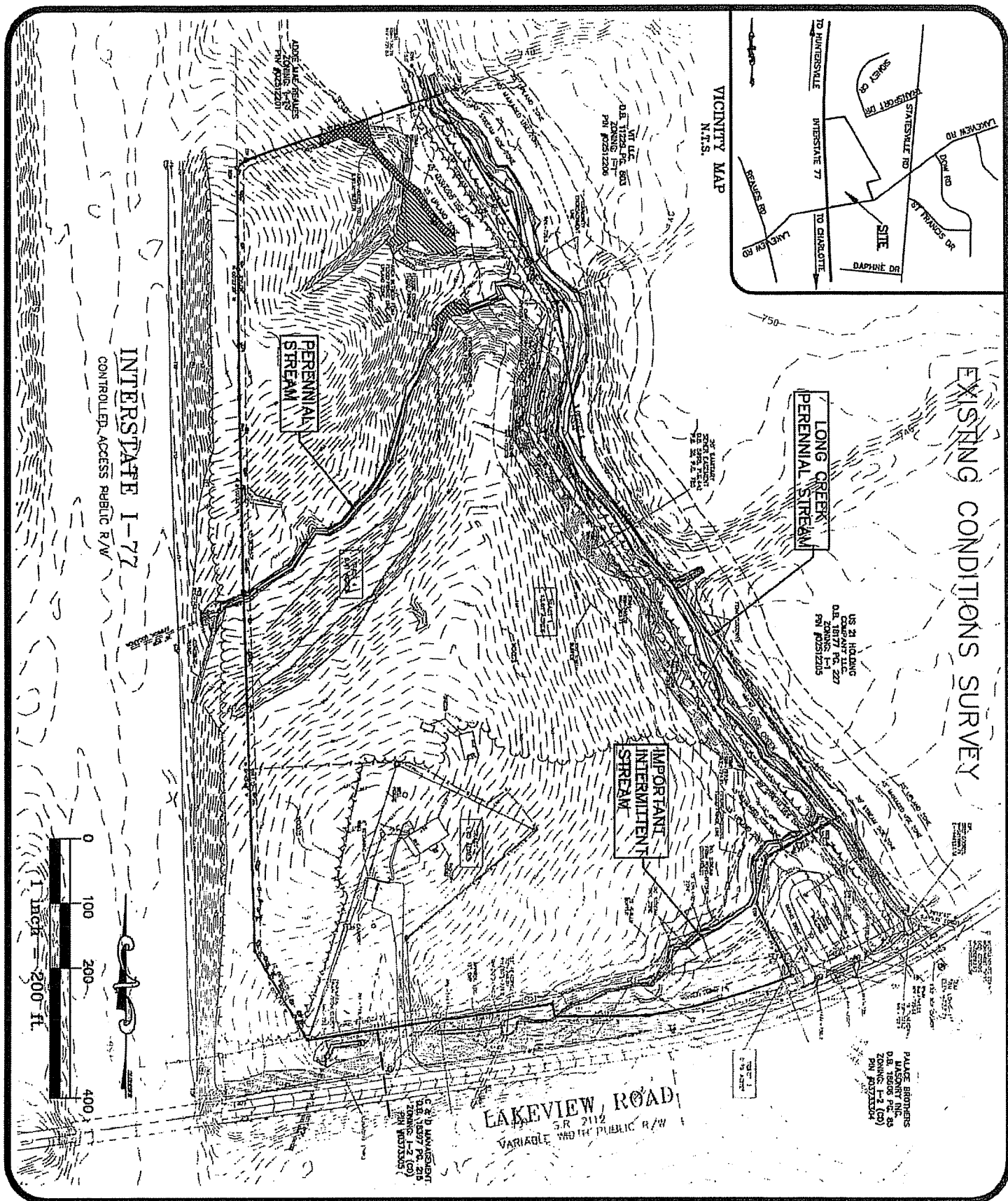
ENGINEERS/PLANNERS/SURVEYORS

6701 CARMEL ROAD, SUITE 205  
 CHARLOTTE, NORTH CAROLINA 28226  
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SAW - 2008 - 01200 - 360

SHEET 3 OF 9





PROJECT NO.	BCP-07000
FILENAME:	BCP07000-WE
SCALE:	1"=200'
DATE:	03-05-2008

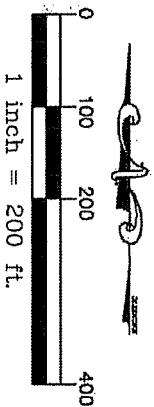
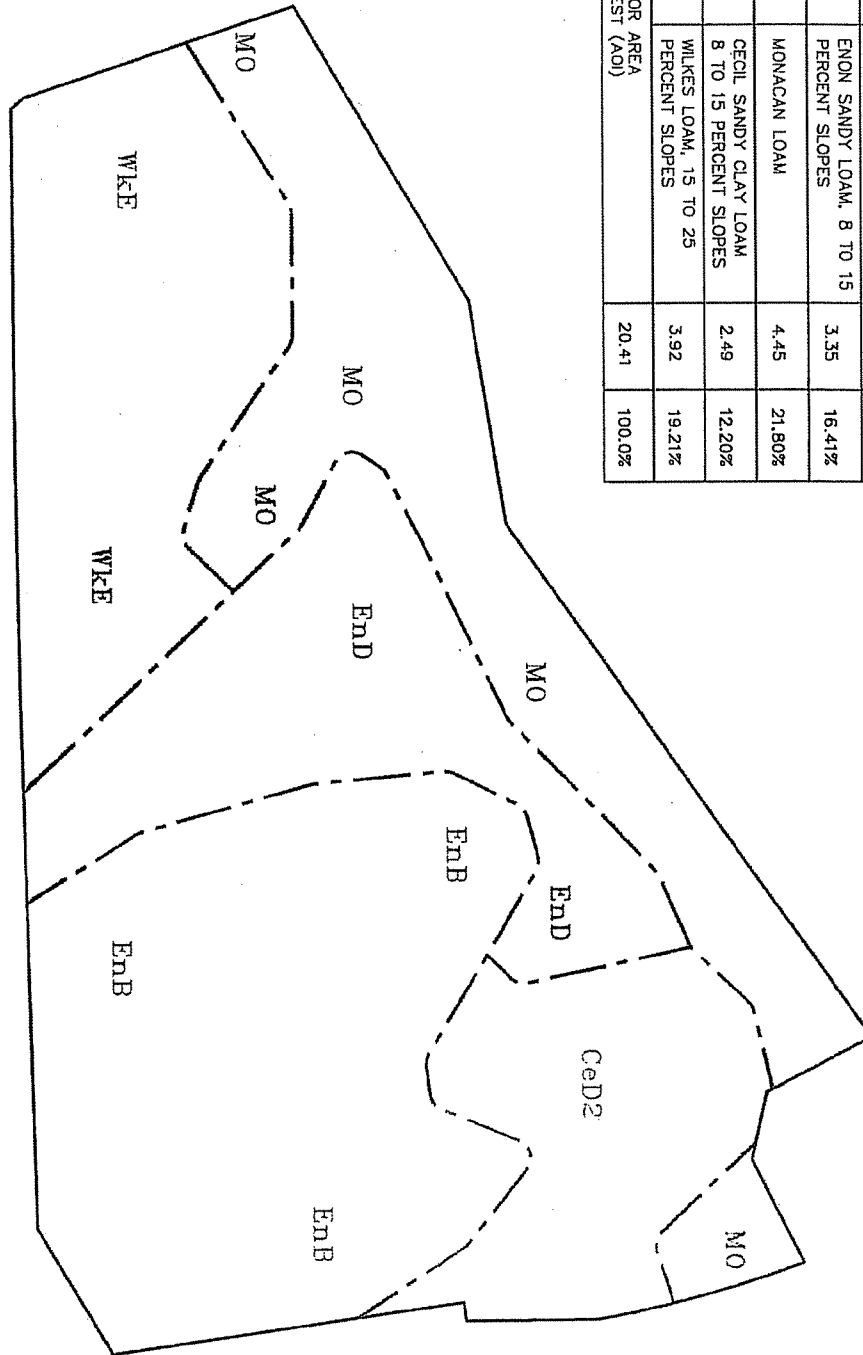
# 77 OVERLOOK PARK LAKEVIEW ROAD CHARLOTTE, NORTH CAROLINA

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SOIL MAP UNIT LEGEND			
MECKLENBURG COUNTY, NORTH CAROLINA (NC119)			
MAP UNIT SYMBOL	MAP UNIT NAME	ACRES IN AOI	PERCENT OF AOI
EnB	ENON SANDY LOAM, 2 TO 8 PERCENT SLOPES	6.20	30.38%
End	ENON SANDY LOAM, 8 TO 15 PERCENT SLOPES	3.35	16.41%
MO	MONACAN LOAM	4.45	21.80%
Ced2	CECIL SANDY CLAY LOAM 8 TO 15 PERCENT SLOPES	2.49	12.20%
WKE	WILKES LOAM, 15 TO 25 PERCENT SLOPES	3.92	19.21%
TOTALS FOR AREA OF INTEREST (AOI)		20.41	100.0%



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SCALE: 1"=200'

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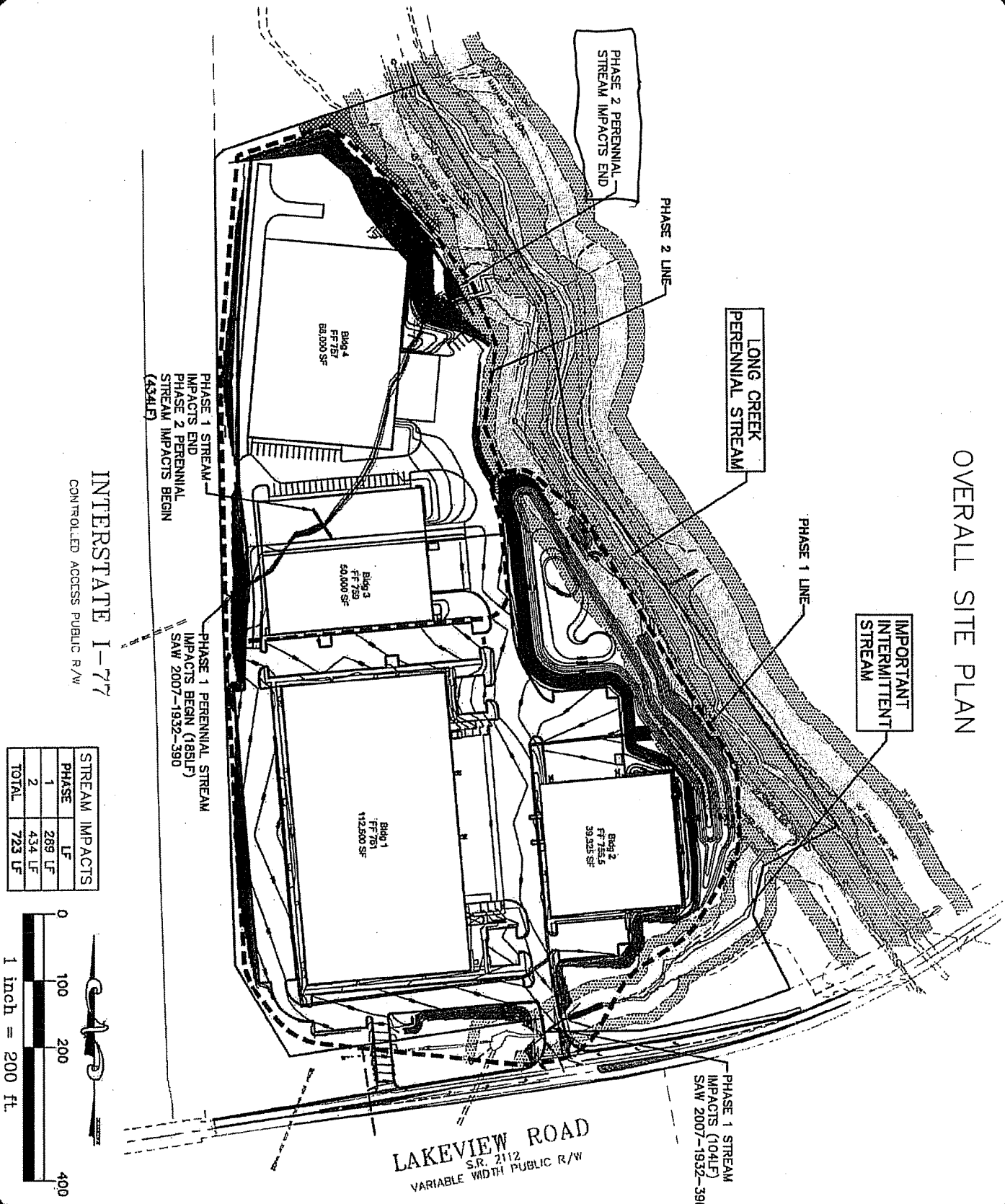
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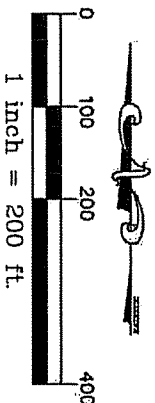
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# OVERALL SITE PLAN



STREAM IMPACTS	LF
PHASE 1	269 LF
PHASE 2	434 LF
TOTAL	723 LF

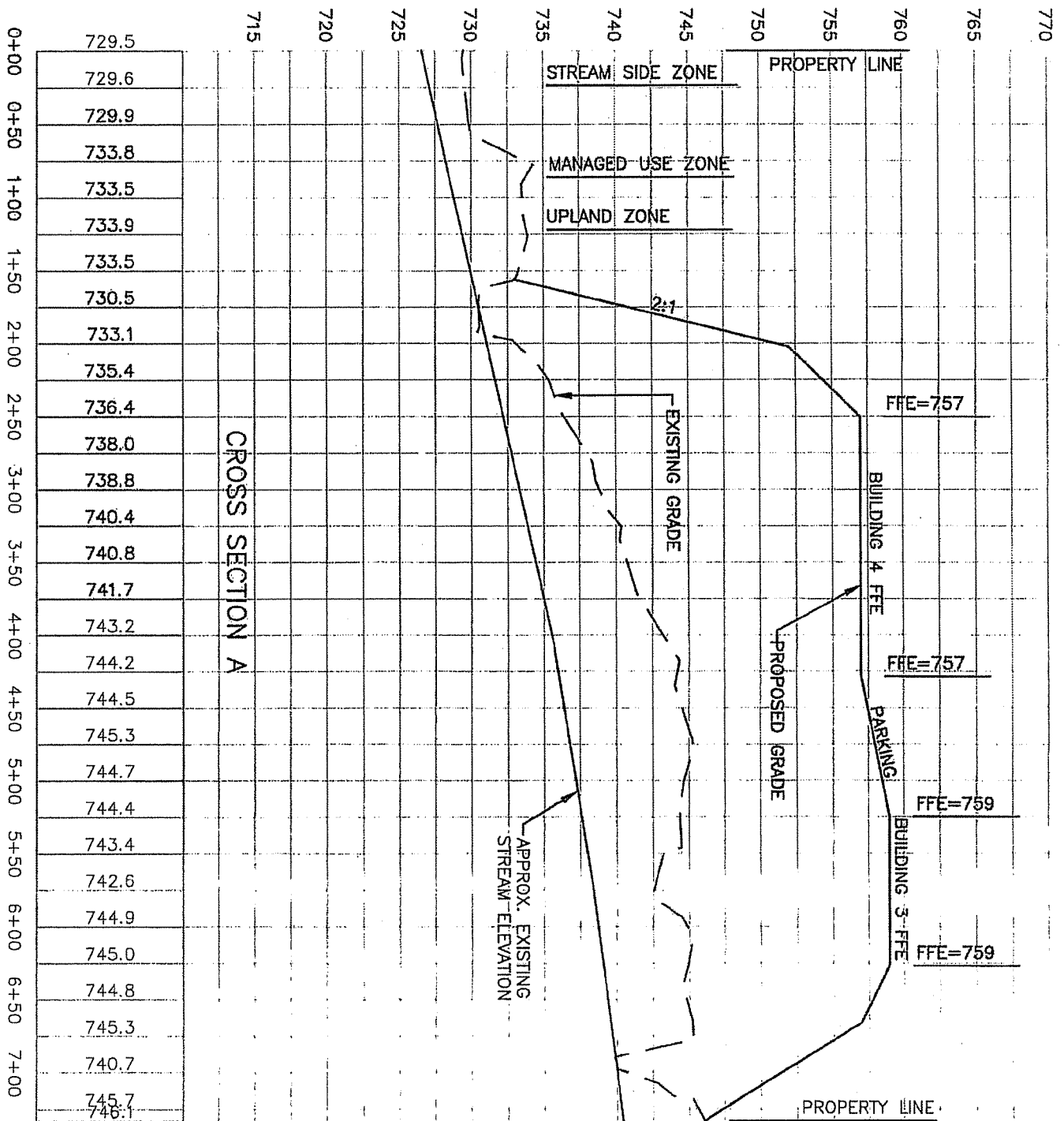


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SAW-2008-01200-360  
 SHEET 6 OF 9



McADAMS

PROJECT NO. BCP-07000

FILENAME: BCP07000-WE

SCALE: 1" = H:100' V:10'

DATE: 03-05-2008

# **77 OVERLOOK PARK** **LAKEVIEW ROAD** CHARLOTTE, NORTH CAROLINA CROSS SECTION A

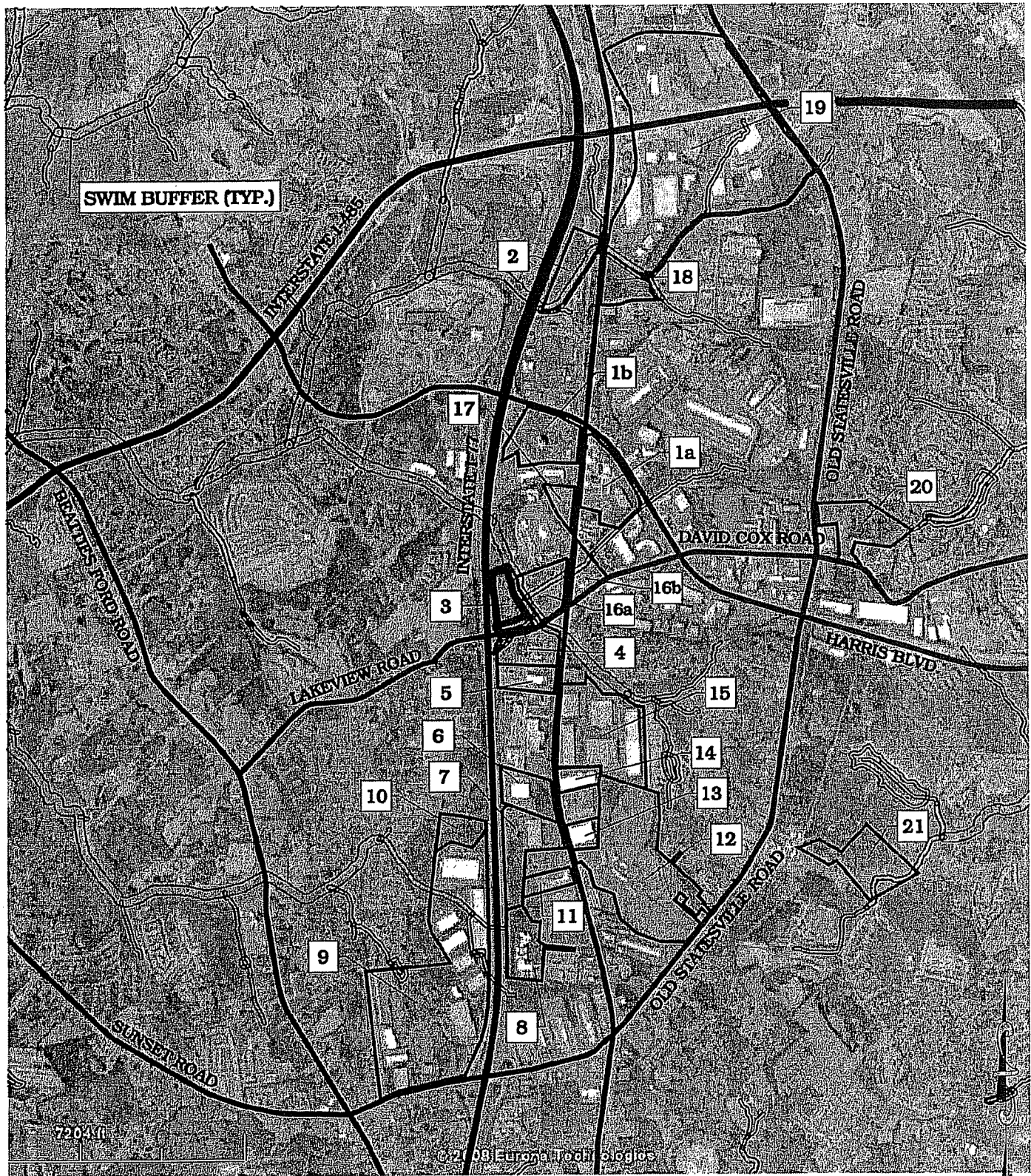
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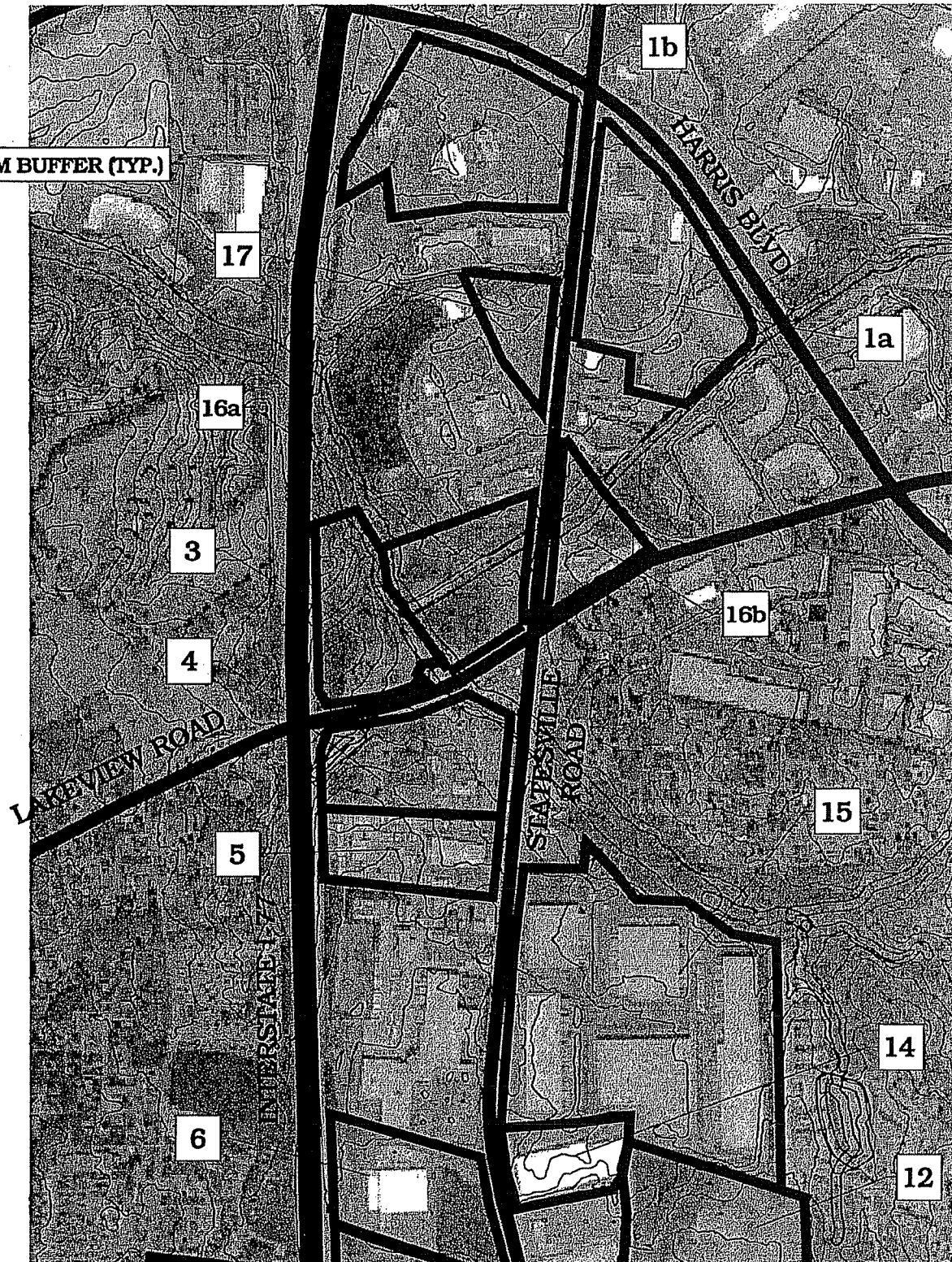
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SHEET 8 OF 9





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